

1 Joseph Horne  
 2 #V-84328  
 3 K.V.S.R.  
 4 P.O. BOX-5102  
 5 Delano, CA 93216

**FILED**  
 JUL 28 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

6 In the District Court of  
 7 United States for the  
 8 Northern District of California.  
 9

10 Joseph Horne,  
 11 Petitioner.  
 12 vs.  
 13 Robert Hugel,  
 14 Warden Respondent.

case 07-4592 SBA(PR)

Application for  
 Enlargement  
 of Time to  
 File Answer  
 "The Opposition".

16 x. Joseph Horne, Petitioner  
 17 in the above case, oppose re-  
 18 spondant's motion for enlarge-  
 19 ment of time to Answer.

20 Petitioner has read and  
 21 considered respondents motion.

22 Petitioner will set forth  
 23 several reasons for his decision  
 24 to oppose such motion:

25 (1) respondent acknowledges  
 26 that it received the Honorable  
 27 Judges order filed March 24th  
 28 2008. Thus, by reading such order

1 Respondant was aware that the  
 2 courts clearly ordered anyone  
 3 who wished to receive an ext-  
 4 ension of time to file at least  
 5 10 days prior to the set deadline  
 6 (please view order to show  
 7 cause in the above case para-  
 8 graph. # 7.) Respondant constructed  
 9 its motion on the date of July  
 10 18th 2008 clearly passed the set  
 11 time.

12 (2.) The reason the respond-  
 13 ant gives in its attempt to get  
 14 more time is misleading  
 15 Respondant claims that it  
 16 had just realized that petitioner  
 17 filed by petitioner occurred prior  
 18 to new claims... all claims  
 19 filed by petitioner occurred prior  
 20 to the Honorable judge serving  
 21 the respondent w/an order to show  
 22 cause.

23 Respondant claims that Pet-  
 24 itioner could not be contacted  
 25 do to his being incarcerated.  
 26 That's surely misleading the  
 27 courts. The petitioner is pro-per  
 28 and can be contacted by mail

1 and on phone.

2 Respondant claims that  
3 she was held up by several other  
4 cases that she had to file briefs  
5 in those cases. Several briefs  
6 in the passed 60 days. That should  
7 not be accepted as a reasonable  
8 excuse for the respondent's  
9 clear violation of the ordered  
10 timeline... If respondent was  
11 already at the stage of the case  
12 re-where they had to file  
13 briefs that means she knew  
14 of it months prior. Thus, had more  
15 than enough time to comply w/  
16 said order. At least the part that  
17 said one "must" file for extension  
18 10 days prior to deadline.

19 Petitioner, understands resp-  
20 ondant's attempt to be very  
21 nearly manipulative. By the time  
22 the judge answers my motion  
23 of opposition the respondent will  
24 have already enjoyed the 10 days  
25 requested.

26 Petitioner, hereby request  
27 that the motion for an extension  
28 of time is not granted...



1 Thereby, requesting that the  
 2 Honorable Judge grant my  
 3 motion for default of judgment.

4 Respondant clearly violated  
 5 the order for reasons that  
 6 do not seem reasonable.

7 No new claims were filed  
 8 after the respondent was served  
 9 with an order by the Honorable  
 10 Judge.


11 There is absolutely no diff-  
 12 culty in the respondent cont-  
 13 acting the defendant (petitioner).

14 Her (the respondents) current  
 15 case played no reasonable part  
 16 in her not complying w/ the 10  
 17 day order set forth by the court.

18 Respondant should be dan-  
 19 ned any additional time. Peti-  
 20 tioners motion should be  
 21 granted.

22  
 23 I, Joseph Hoane, declare under  
 24 penalty of perjury that the foregoing  
 25 is true and correct.

26 Executed at K.V.S.P. on Date of:  
 27 July 24<sup>th</sup> 2008

28  
 Signed:   
 Joseph Hoane.

Plaintiff's name:

Joseph Horne  
Petitioner.  
vs.

Case Number: 4:07-cv-04592-SBA

Defendant's name:

Robert Horne,  
Warden.

PROOF OF SERVICE

I, the undersigned, hereby certify that I am over the age of eighteen years and a party to the above-entitled action.

On July 24<sup>th</sup>, 20 08, I served a copy of Joseph Horne


by

placing said copy in a postage paid envelope addressed to the person hereinafter listed, by  
depositing said envelope in the United States Mail: office of the clerk U.S.  
District Court Northern  
District of California  
(LIST ALL DEFENDANTS SERVED IN THIS ACTION) 1301 - Clay St. # 4008  
Oakland, CA 94612-5212

Robert Horne,  
Warden.

Attorney General of  
California.

I declare under penalty of perjury that the foregoing is true and correct.

  
(Signed)